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Mortgage Electronic Registration Systems, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
MEDFORD DIVISION

**IVAN HOOKER and KATHERINE  
HOOKER,**

Case No. 10-CV-3111-PA

Plaintiffs,

v.

Defendants Bank of America and Mortgage  
Electronic Registration Systems'  
PARTIAL OBJECTION TO PLAINTIFFS'  
BILL OF COSTS

**NORTHWEST TRUSTEE SERVICES,  
INC.; BANK OF AMERICA, NA;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,**

Defendants.

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Defendants Bank of America, N.A. and Mortgage Electronic Registration Systems, Inc. ("defendants") object to the Bill of Costs filed by plaintiffs Ivan Hooker and Katherine Hooker as follows:

Plaintiffs have included the sum of \$51 as "other costs" in their Bill of Costs that has been filed with the Court. (ECF No. 34 at 1.) Attached to the Bill of Costs is what appears to be

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an electronic copy of a check dated October 28, 2010, and a receipt from the Jackson County Recorder's Office for \$51. The memo line on the check's image indicates that it was made for "lis pendens case#1:10-CV-03111-PA Hooker H-109-10." (*Id.* at 5.) Presumably, plaintiffs seek an award of costs for the lis pendens that was filed after this lawsuit was instituted. However, those costs are not recoverable.

The taxation of certain costs in the United States District Courts is provided for and controlled by statute. The applicable statute provides:

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees for printed or electronically recorded transcripts necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

28 U.S.C. § 1920. Upon allowance, these costs are included in the judgment or decree. *Id.*

Section 1920 clearly defines those costs that may be taxed, and the definition provided by the statute does not include the cost of recording of a lis pendens or any class which could be

reasonably construed to include such a cost. As a result, the sum of \$51 is improper and must be excluded from plaintiffs' Bill of Cost.

DATED: June 20, 2011

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